IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.30107-M of 2006
Date of Decision:- 12.02.2007

Mohinder Kumar & ors. ....Petitioner(s)

through
Mr.Sanjay Verma, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.119 dated 8.11.2005 under Sections 498-A, 406, 323, 506 IPC registered at Police Station Jathlana, District Yamuna Nagar.

The aforesaid F.I.R.has been registered on the complaint of respondent No.2 (Nisha Rani), who at one point of time, was the wife of petitioner No.1. It is alleged in the F.I.R. that the complainant and petitioner No.1 got married on 27.2.2002 and on that very day, the marriage of sister of the complainant, namely, Uma Rani was also solemnized with petitioner No.5 (Surinder Kumar). It is alleged that the husband of the complainant and his other family members were unhappy with the dowry articles given by the complainant's parents and have been pressurizing her to bring Motorcycle and cash worth Rs.50,000/- from her parents. It is also alleged that as the above-stated demand was not fulfilled, all the accused persons gave severe beatings to the complainant. According to the complainant, Panchayats were held for the compromise where the accused persons regretted for their conduct, however, they again started harassing

the complainant and her sister physically as well as mentally for bringing insufficient dowry etc.

On the other hand, the stand taken by the petitioners is that the unfortunate matrimonial dispute had arisen on account of temperamental differences between the parties.

While seeking quashing of the F.I.R and all the consequent proceedings arising therefrom, it is averred by the petitioners that with the intervention of respectables, both the parties have now resolved their dispute and in terms thereof, statements have been made in the Court of District Judge, Yamuna Nagar (Annexures P-2 and P-3). As per their deposition, the marriage between petitioner No.1 and respondent No.2 (complainant) has been dissolved by a decree of divorce passed under Section 13-B of the Hindu Marriage Act. Similarly, the respondent-complainant has received a lump-sum amount of Rs.25,000/- towards permanent alimony and all the dowry articles have also been handed over to her. In this manner, no claim whatsoever remains pending between the parties against each other.

Notice of motion was issued and in response thereto, the respondent No.2-the complainant has put in appearance and has filed her affidavit dated 18.12.2006 which is taken on record. The complainant has also supported the petitioner's petition and has stated that she has no objection if, in view of the compromise between the parties, the F.I.R. is quashed.

Learned State counsel also submits that in view of the compromise between the parties, the continuation of impugned criminal proceedings would be an exercise in futility.

After hearing learned counsel for the parties and having regard to the fact that the dispute has been resolved and they have already parted ways from each other and keeping in view the principles laid down by the Apex Court in the case of **B.S.Joshi vs. State of Haryana,** 2003 (4) SCC 675, I am of the considered view that continuation of the impugned criminal proceedings will be an abuse of process of law. Consequently, this petition is allowed. The impugned F.I.R. No.119 dated 8.11.2005 under Sections 498-A, 406, 323, 506 IPC registered at Police Station Jathlana, District Yamuna Nagar and all the subsequent proceedings arising therefrom are hereby quashed.

February 12, 2007 **(SURYA KANT)**
poonam **JUDGE**